



Maryland Coalition for Justice and Police Accountability

LOCAL CONTROL OF BALTIMORE CITY POLICE

BILLS HB 1027 & SB 786

Baltimore City is the only locality in the Maryland with limited control over its own police department. In the 1860s, state officials took over Baltimore City's police force after a violent white-male nativist party gained political control of the city and engaged in acts of corruption through the police department.¹ After 160 years and a history of more representative governance, the Maryland General Assembly, not the Baltimore City Council, continues to have statutory authority over the Baltimore Police Department (BPD). However, police corruption and misconduct have persisted within BPD even under the state's control.²

WHY IS STATE CONTROL OF BALTIMORE CITY'S POLICE DEPARTMENT A PROBLEM?

Unlike other local officials, Baltimore City officials are unable to introduce or adopt policies requiring BPD to change its policing policies and practices. Instead, Baltimore City officials and residents must travel to Annapolis to ask state lawmakers to pass policies to change their own police force. This hinders police accountability efforts.

Despite being the 8th largest municipal police department in the country, and five consecutive years of rising violent crime, Baltimore City is unable to meaningfully enforce accountability and policing reforms (several of which are mandated by the Department of Justice) because of a lack of appropriate legal authority. We can only ensure

BPD becomes effective by ensuring local law enforcement is accountable to local residents and elected officials rather than being responsive to the whims of the state of Maryland.

WHAT IS THE IMPACT?

In 2014, when Baltimore City Council members passed an ordinance to require BPD officers to wear body-worn cameras, they were blocked from doing so because of BPD's status as a state agency.³ And, unlike Montgomery County officials who passed a law in 2019 requiring independent investigations of police-involved deaths⁴ in that county, if Baltimore City officials wanted to pass a similar law, they must ask members of the Maryland General Assembly, most of whom do not represent Baltimore City residents.

SUPPORT LOCAL CONTROL

A coalition of over 90 groups from across the state are calling on Maryland legislators to support strong, renewed demands for police reform and accountability:

- 1 Repeal in full the Law Enforcement Officers' Bill of Rights.
- 2 Reform the Public Information Act to allow disclosure of all complaints of police misconduct.
- 3 Establish a statewide use of force policy that will prevent officers from using force unless it is necessary.
- 4 Remove police officers from children's schools.
- 5 **Return control of the Baltimore City Police Department to Baltimore City residents.**

THE SOLUTION: RESTORE BALTIMORE CITY'S CONTROL OVER ITS POLICE DEPARTMENT

It is unjust and absurd that Baltimore City taxpayers fund the BPD and pay civil settlements and judgments for police misconduct, but they are unable to require BPD to change policies to prevent or hold officers accountable for misconduct. Accordingly, the City's Community Oversight Task Force recommended restoring local control of the BPD.⁵ In 2019, the Maryland House of Delegates unanimously passed a bill that took steps toward restoring local control of the BPD but the bill stalled in the Senate.⁶

One of the most perverse aspects of the current state control of BPD is allowing city officials to more easily ignore police misconduct. Opponents argue that because BPD currently has state sovereign immunity, restoring BPD to local control would result in an increase in payouts for police misconduct. However, the city is already solely responsible for paying misconduct claims, and the state provides little to no help. City officials have noted that any increase would be minimal. And Baltimore City should not be afforded a special shield from civil liability.

Local control creates additional accountability of the BPD. Suggesting that it puts a burden on the city intentionally ignores the serious misconduct and corruption still present within BPD. It also intentionally dismisses the harm it is causing Baltimore city residents, further undermining public safety and the rights of all Baltimoreans.

Find more information about the five necessary police reforms in Maryland, and the more than 90 organizations calling for them:
www.mcjpa.org

BALTIMORE CITY IS CURRENTLY PROHIBITED FROM:

- Enacting department-wide policies
- Provide local oversight of the Consent Decree's implementation
- Enforcing incentives that prevent police misconduct lawsuits and their costs by actively creating public accountability and promoting public trust

The Baltimore Consent Decree's Community Oversight Task Force emphasized in their 2018 report:



Every other police force in Maryland is governed and regulated by their local charters. The same should be true for Baltimore City. The BPD will never be fully accountable to its residents until full control of the department is returned to the city. Given the broken relationship that exists between the people of Baltimore and the police, the implementation of this recommendation needs to be a top priority.



SOURCES:

- 1 George A. Nilson, The Abell Foundation, The Baltimore Police Department: Understanding its status as a state agency, 2-3 (March 2019), <https://abell.org/sites/default/files/files/Abell%20Baltimore%20Police%20Department%20Report.pdf>
- 2 <http://data.baltimoresun.com/news/gun-trace-overview/>
- 3 <https://www.baltimoresun.com/citypaper/bcp-as-city-council-and-public-clamor-for-police-body-cameras-mayor-hires-group-to-clarify-questions-rai-20141104-story.html>
- 4 https://www.washingtonpost.com/local/md-politics/montgomery-first-in-region-to-require-outside-police-probe-of-officer-involved-deaths/2019/05/07/7cdadc9c-70ce-11e9-8be0-ca575670e91c_story.html
- 5 Community Oversight Taskforce, The Community Oversight Task Force's Recommendations for Strengthening Police Accountability and Police-Community Relations in Baltimore City (August 2018), https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909_COTF_Final_Web.pdf
- 6 <https://www.baltimoresun.com/politics/bs-md-local-control-police-20190405-story.html>